

1 nothing else than a unanimous jury and that is the reason
2 in these other States it was necessary to amend their
3 Constitutions in order to give the legislature authority
4 to do that.

5 Now, by merely striking out the word "unanimous"
6 and leaving the word "jury" in there, I am afraid you would
7 still throw the unanimity into it by use of that word.

8 THE CHAIRMAN: Delegate Gleason.

9 DELEGATE GLEASON: Mr. Chairman, I reach the
10 same conclusion, through a different method. I wonder
11 whether the sponsors of the amendment, by striking the word
12 "unanimus", if it is approved, are going to get the
13 objective that they think, because it will read, "public
14 trial by an impartial jury of twelve without whose consent",
15 and then you have to ask consent of whom, and it has to be
16 of the jury, and if it is the consent of the jury, it would
17 have to be the whole concept of the jury, which would be
18 unanimous. There is nothing in here that gives the authority
19 to the General Assembly to provide a lesser number. I don't
20 understand the purpose of this.

21 THE CHAIRMAN: Delegate James.